

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**KELSIE ALLEN, by and through her Mother as
Guardian and Next Friend, Diana Allen**

PLAINTIFF

V.

CIVIL ACTION NO. 2:07cv128-P-A

**BOYD GAMING CORPORATION d/b/a SAM'S
TOWN HOTEL & GAMBLING HALL, KOHLER CO.
and DOES 1-10,**

DEFENDANTS

ORDER

These matters come before the court upon Defendant Boyd Gaming Corp.'s motion to exclude the expert testimony of Stuart Statler [71] and the plaintiff's motion to withdraw designation of Plaintiff's Expert Stuart Statler [73]. After due consideration of the motions, the court finds that the plaintiff's motion should be granted and the defendant's motion denied as moot.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The plaintiff's motion to withdraw designation of Plaintiff's Expert Stuart Statler [73] is **GRANTED**; therefore,

(2) Defendant Boyd Gaming Corp.'s motion to exclude the expert testimony of Stuart Statler [71] is **DENIED AS MOOT**.

SO ORDERED this the 17th day of April, A.D., 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE